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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

6 * * *

7 MICHAEL E. CLARK,

8 Plaintiff(s),

9 v.

10 ADRIAN GUERRERO,

11 Defendant(s).

Case No. 2:09-CV-141 JCM (PAL)

ORDER

12
13 Presently before the court is the matter of *Clark v. Guerrero*, case no. 2:09-cv-00141-JCM-
14 PAL. *Pro se* plaintiff Michael Clark (“plaintiff”) has filed a motion “for hearing before district
15 judge,” which the court now considers. (ECF No. 166). Defendant Adrian Guerrero (“defendant”)
16 has not filed a response, and the time to do so has passed.

17 On December 14, 2015, the court granted plaintiff’s motion for default judgment against
18 defendant on plaintiff’s excessive force claims arising under 42 U.S.C. § 1983. (ECF No. 150).
19 However, upon finding no legal or evidentiary basis for plaintiff’s proposed judgment of
20 \$1,000,000.00 in compensatory damages and \$12,000,000.00 in punitive damages, the court
21 awarded plaintiff \$1.00 in nominal damages. (ECF No. 155).

22 On September 6, 2017, the Ninth Circuit issued a memorandum disposition vacating the
23 judgment in this case. (ECF No. 160). On September 12, 2017, this court filed an order on
24 mandate as to the Ninth Circuit decision. (ECF No. 163). The court’s task on remand is to
25 determine an appropriate award of damages stemming from plaintiff’s § 1983 action alleging
26 excessive force. *See* (ECF No. 160).

27 Accordingly, the court will grant plaintiff’s motion “for hearing before district judge” to
28 determine an appropriate award of damages in this case. (ECF No. 166). The court hereby orders

1 an evidentiary hearing, at which plaintiff shall have the opportunity to present evidence regarding
2 his damages and how those damages were caused by defendant Guerrero. Asserted damages that
3 are not supported by admissible evidence will not be awarded.

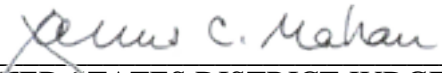
4 Accordingly,

5 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that plaintiff's motion for
6 hearing before district judge (ECF No. 166) be, and the same hereby is, GRANTED.

7 IT IS FURTHER ORDERED that an evidentiary hearing in this matter be set for
8 **TUESDAY, JULY 9, at 10:00 A.M.**

9 IT IS SO ORDERED.

10 DATED June 10, 2019.

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UNITED STATES DISTRICT JUDGE